

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 26, 1999

DIVISION ONE

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Masterson, J., and S. Beaux, Deputy Clerk.

Each of the following:

B116709 People v. McCoy et al.
B120165 People v. Gathrite
B122222 People v. Forbes
B123459 People v. Gonzalez & Benitez
B123617 People v. Randle
B124331 People v. Vasquez
B124402 People v. Robles
B124845 People v. Edwards
B125524 People v. Ozuna
B125597 People v. Beamon & Thomas
B125933 People v. Handcox
B126161 People v. Jackson
B126744 People v. Mendez
B127314 D.C.F.S. v. Paulette P.
B127266 People v. Eaton
B127656 People v. Banales
B127767 People v. Guerrero
B127890 People v. Aguilera et al.
B128001 People v. Anderson
B128132 People v. Jones
B128545 People v. Garcia
B128763 People v. Taylor
B128809 People v. Prado
B129227 People v. Delrosario
B129718 People v. Hughes
B130184 People v. Bastian

DIVISION ONE (Continued)

Each of the following (cont.):

B130233 People v. Archibeque
B130302 People v. Wells
B130861 D.C.F.S. v. Rubie H.
B130866 People v. Billings
B130965 D.C.F.S. v. Edmond M.
B131146 People v. Yuseff B.
B132480 People v. Steven H.

Argument waived, cause submitted.

B126634 The People
 v.
 Richard

Merits:

Argued by Elizabeth A. Bumer for appellant and by Chung L. Mar, deputy attorney general, for respondent. Counsel waives presence of Presiding Justice Spencer. Cause submitted.

B128225 The People
 v.
 Strain

Merits:

Argued by Vicki J. Vlasnik for respondent. Shirley S.N. Sun, deputy district attorney waives argument for appellant. Respondent waives presence of Presiding Justice Spencer. Cause submitted.

B128473 Los Angeles County D.C.F.S.
B129555 v.
 Charles H.

Merits:

Argued by John L. Dodd for appellant and by Jill Regal, deputy county counsel, for respondent. Counsel waives presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B133274 PGP Industries, Inc.
 v.
 Superior Court
 (Rodarte, Jr., et al., r.p.i.)

Merits:

Argued by Monte H. Machit for petitioner, by Richard C. Voorhies for real party in interest Rodarte Jr. and by Rayond E. Brown for real party in interest LMH, Inc. Cause submitted.

B124058 The People
 v.
 Markham

Merits:

Argued by Victor J. Morse for appellant and by Robert F. Katz, deputy attorney general, for respondent. Submission deferred. Letter brief by appellant due November 9, 1999 and response due November 23, 1999.

B125482 Youngberg et al.
 v.
 Bank of America

Merits:

Argued by Ann Caldwell for appellants and by Shirley M. Hufstedler for respondent. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

B128347 Amezcua
 v.
 Kerr et al.

Merits:

Argued by Demos P. Anagnos for appellant, by Susan Northrop Dahlin for respondent Kerr and by Peter M. Fonda for respondent Orthopaedic Hospital. Counsel waives the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B122918 Hovanesian & Hovanesian
 v.
 J. C. Henry et al.

Merits:

Argued by Odalis Suarez for respondent J. C. Henry. Appellant Ara Hovanesian, appearing in propria persona, waives argument. Cause submitted.

B123434 Natural History Museum
 v.
 Civil Service Commission
 Crooks

Merits:

Argued by Jeffrey M. Hausman for appellant and by David P. Lampkin for real party in interest Crooks. Counsel waives presence of Presiding Justice Spencer. Cause submitted.

B128121 The People
 v.
 Padilla

Merits:

Argued by David D. Carico for appellant and by Deborah J. Chuang, deputy attorney general, for respondent. Counsel waives presence of Presiding Justice Spencer. Cause submitted.

Spencer, P.J. assumes the bench.

B120694 The People
 v.
 Reyes

Merits:

Argued by Tamara P. Holland for appellant and by Renee Rich, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B132970 In re Arredondo on Habeas Corpus

Merits:

Argued by Luis A. Rivas for petitioner and by Analee J. Nations, deputy attorney general, for real party in interest. Cause submitted.

B125488 Butts
v.
Sands

Merits:

Argued by Bruce D. Rudman for appellant and by Reginald Rucoba, deputy attorney general, for respondent. Cause submitted.

B124795 Barber
v.
COA, Inc.

Merits:

Argued by Stuart W. Fest for appellant and by Burk M. Wiedner for respondent. Cause submitted.

B122538 Bundy Canyon Residents Assoc.
v.
City of Los Angeles et al.
(Brentwood School, r.p.i.)

Merits:

Argued by Robert S. Gerstein for appellant and by Susan D. Pfann, deputy city attorney, for respondent and by Michael G. Romey for real party in interest. Cause submitted.

DIVISION ONE (Continued)

B122777 Hanson
 v.
 Grode et al.

Merits:

Argued by Gerald M. Serlin for appellant, by Jack Rosenbaum for respondent Grode and by Patrick J. Foley for respondent Pashman. Cause submitted.

B120852 Varon
 v.
 Rosenberg

Merits:

Argued by Eddie Varon appellant in propria persona and Thomasina M. Reed waived argument for respondent. Cause submitted.

B124485 Soroosh
 v.
 State Farm Fire & Casualty

Merits:

Pamela E. Dunn appeared for respondent and waiving oral argument and there being no appearance for appellant. Cause submitted.

B121706 Schmuel et al.
 v.
 Professional Drivers Association et al.

No appearance by appellant or respondent. Cause submitted.

DIVISION ONE (Continued)

B133719 Kathy K. & Timothy B.
v.
Superior Court
(Los Angeles County, D.C.F.S., r.p.i.)

Merits:

Argued by Darold M. Shirwo for petitioner Kathy K. and by Angela Williams, deputy county counsel, for respondent. Cause submitted.

B124801 The People
 v.
 Norman

Merits:

Argued by Anthony A. DeCorsol for appellant and by Chung L. Mar, deputy attorney general, for respondent. Cause submitted.

Masterson, J. leaves the bench.

B124054 Fireman's Fund Insurance Co.
v.
Commercial Union Ins.

Merits:

Argued by Roy G. Weatherup for appellant and by Neil Selman for respondent. Cause submitted.

Court adjourned.

B125524 People (Not for Publication)
v.
Raymond Zavala Ozuna

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

DIVISION ONE (Continued)

B130233 People (Not for Publication)
v.
Thomas Archibeque

The judgment in case number SA033213 is modified to reflect that Archibeque stands convicted of possession of cocaine for sale, in violation of section 11351. In all other respects, the judgments in both cases are affirmed and the cases are remanded to the trial court with directions to determine whether resentencing is required and, if so, to resentence Archibeque. In either event, a corrected abstract of judgment should be issued.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B129644 Marty Verdugo (Not for Publication)
v.
Aramark Uniform Services, Inc.

We affirm the summary judgment and award defendant costs.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B131146 People (Not for Publication)
v.
Yuseff B.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B128202 Josh Baber (Not for Publication)
v.
Arthur G. Lawrence

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B126227 People (Not for Publication)
v.
Delmus Anthony B.

The judgment is reversed. The matter is remanded for a new trial (adjudication). The clerk of this court is directed to send a copy of this opinion to the California State Bar.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B111428 A & K Medical Supply, Inc., et al. (Not for Publication)
B115353 v.
Quickmed Supplies, Inc. et al.

We affirm the summary judgments. Defendants Quickmed, Inc., Majid Saedifar and Luz Saedifar are awarded their costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B126161 People (Not for Publication)
v.
Dewayne Jackson

The judgment is modified to strike the weapon enhancement from count 5. The matter is remanded for preparation of a corrected abstract of judgment, which is to be sent to the Department of Corrections. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION THREE

B117927 People (Not for Publication)
v.
Mota et al.

The judgments are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Schneider, J. (Assigned)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B116848 People (Not for Publication)
v.
Canela

The judgment is modified by awarding Canela precommitment credit for 355 days actually served and 53 days of good conduct, and by imposing a three-year Penal Code section 12022.5, subdivision (a) enhancement with regard to his conviction of murder as alleged in count two. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment in accordance with this opinion. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B121555 People (Not for Publication)
v.
Hilt et al.

The judgments are modified to impose a suspended parole revocation fine in the amount of \$200 for each defendant. (Pen. Code, 1202.45.) The abstracts of judgment shall be further corrected to reflect the \$200 restitution fine imposed on each defendant by the trial court. The clerk of the superior court is ordered to prepare amended abstracts of judgment as set forth in this opinion and to forward corrected copies to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B129988 People (Not for Publication)
v.
Yarbrough

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B126218 People (Not for Publication)
v.
Devon W.

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

[illegible]

The judgment is modified to reflect the imposition of a \$200 parole revocation fine, and, as modified, the judgment is affirmed. We direct the superior court to prepare an amended abstract of judgment accordingly.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B126821 People (Not for Publication)
v.
Mateo Gonzalez

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B124974 People
v.
Mark Edward Dorsey

Filed order denying petition for rehearing.

October 26, 1999-Continued

DIVISION SIX

B130924 James L. (Not for Publication)
v.
Kandiss P.

The judgment is affirmed. Kandiss is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

[illegible]

The abstract of judgment is ordered corrected to reflect the imposition of a \$2,500 direct victim restitution fine pursuant to section 1202.4, subdivision (f), a state penalty assessment of \$2,500 (section 1464), and a county penalty assessment of \$1,750. (Gov. Code, section 76000.) As so modified, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

B125599 Letters (Not for Publication)
v.
Berube

The judgment is affirmed. Costs are awarded to respondents. The motion for sanctions on appeal filed by respondent Farmers New World Life Insurance Company is denied.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

October 26, 1999-Continued

DIVISION SIX (Continued)

B127877 People (Not for Publication)
v.
Spells

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SEVEN

B133148 Tammi H. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles Dept. of Children & Family Services, r.p.i.)

The petition is denied on the merits.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B129565 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Susan P.

The order is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B124573 Los Angeles County, D.C.F.S. (Certified for Partial Publication)

v.

Stephen L.

In re Sarah L. and Dana L.

The jurisdiction, dispositional and custody orders of the juvenile court are affirmed.

Woods, J.

We concur: Johnson, Acting P.J.

Neal, J.

B104864 People (Not for Publication)

v.

Rodriguez

The judgment is reversed.

Johnson, J.

I concur: Lillie, P.J.

I dissent: Woods, J. (Opinion)

B123957 Darling, Hall & Rae

v.

Kritt

Filed order modifying opinion. Petition for rehearing is denied. Opinion certified for partial publication. (No change in the judgment)

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

[illegible]

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B128546 People (Not for Publication)
v.
Doss

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B127293 People (Not for Publication)
v.
Dawson

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B130794 People (Not for Publication)
v.
Nguyen

The order is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B126754 People (Not for Publication)
v.
Rubin

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

October 26, 1999-Continued

DIVISION SEVEN (Continued)

B127966 People (Not for Publication)
v.
Faletogo

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.